

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID C. SAFFORD,	§
	§
Defendant Below-	§ No. 622, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0508027631
Plaintiff Below-	§
Appellee.	§

Submitted: December 7, 2006

Decided: January 24, 2007

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 24th day of January 2007, it appears to the Court that:

(1) On November 28, 2006, the Court received David Safford's notice of appeal from a Superior Court order, entered October 10, 2006, sentencing Safford on a probation violation. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before November 9.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Safford to show cause why the appeal should not be

dismissed as untimely filed.¹ Safford filed a response to the notice to show cause on December 7, 2006. He asserts that he was unable to file his appeal in a timely manner due to his despondency over his sentencing.

(3) Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.³ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁵

(4) There is nothing in the record to reflect that Safford's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

¹Del. Supr. Ct. R. 6(a) (ii).

²*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829(1989).

³Del. Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

⁵*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice